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CONCORD, N.H.

Mr. William D. Beal, Jr.
Assistant to Director
New Hampshire Fish and Game Department
Bridge Street
Concord, New Hampshire

Dear Mr. Beal:

You have inquired whether the provisions of Revised Laws, chapter 245, sections 47-56 apply only to fresh or frozen lobster meat and not to canned processed lobster.

Our Supreme Court in the case of Maritime Packers v. Carpenter, reported in 99 N. H. 73, stated as follows:

"... The circumstances of the statute's amendment clearly declares the present policy of the state to be to prohibit the transportation, possession or offering for sale of lobster meat the tail meat of which is less than four and one-quarter inches in length, whether secured from sources within or outside the jurisdiction of this state and however packaged."

Further reference was made by the Court to 47-b and recognition was given to the application of the minimum length requirements to all lobster meat within the state.

I believe that the ruling by our Court clearly indicates that there is no exception to the requirement that lobster meat in any form or container must meet the requirements of measurements established by the statute.

Very truly yours,

Arthur E. Bean, Jr.
Assistant Attorney General

AEB, Jr./L